



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Donald A. Kubik, et al. Examiner: Cephia D. Toomer
Serial No.: 10/676,752 Group Art Unit: 1714
Filed: 10/01/2003 Date: 02/20/2007
Customer No.: 28862 Docket No.: NTIC-F-CON-CIP
(NTICP0113B)

For: **CORROSION INHIBITING COMPOSITION AND ARTICLE CONTAINING IT**

Mail Stop: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

Sir:

The undersigned hereby certifies that the attached **AMENDMENT B, AMENDMENT TRANSMITTAL, APPLICANT'S REFERENCE, TERMINAL DISCLAIMER, STATEMENT UNDER 37 CFR 3.73(b), COPIES OF ASSIGNMENTS, ADDED CLAIMS AND DISCLAIMER FEE OF \$580.00 BY CHECK, AND APPLICANT'S STATEMENT OF SUBSTANCE OF THE INTERVIEW**, were mailed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient first-class postage, no special handling, on February 20, 2007, before 5:00 PM, thereby ensuring that such document(s) will be in the hands of the U.S. Postal Service by the close of business this day. Thus, timely response has been made to the outstanding Office action prior to expiration of the shortened statutory period for the same ending **March 27, 2007**.

Respectfully submitted,

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APPLICANTS' STATEMENT OF SUBSTANCE OF THE INTERVIEW

Sir:

As required by 37 CFR §1.133(b) Applicant submits a Statement of the Substance of the Interview of December 12, 2006.

A telephone interview was held by the undersigned with Examiner Toomer on December 12, 2006. The substance of the interview related to the claims as amended in the response dated October 6, 2006 as well as the arguments set forth therein. That is, it was argued that the secondary references of Schmidt and Wysong both failed to teach or suggest the use of sodium nitrite, an important corrosion inhibitor utilized in the present invention. While the basic reference of Boerwinkle did disclose sodium nitrite, there is no suggestion or motivation or teaching in each secondary reference of utilizing an alkali metal silicate such as sodium silicate to unexpectedly achieve improved corrosion resistance, especially since said references have nothing to do with corrosion resistance. Rather, since Schmidt relates to polyolefins having improved thermal stability through the use of organic phosphorus compounds, it is non-analogous art. Similarly, even though Wysong does disclose an alkali metal silicate, it relates to plasticized polyvinyl alcohol that dissolves upon contact with water, a property antipodal to Applicants' claimed corrosion resistant

composition, and is thus non-analogous art. In summary, in accordance with the ex parte Gaechter decision by the Board of Appeals, since both references are not from the same field of endeavor and since both are not pertinent to the problem solved by the present invention, they relate to non-analogous art.

The Applicant thanks Examiner Toomer for the courtesy of granting an interview to Applicant's representative.

Respectfully submitted,

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